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of profits be denied. *Straus v. Notaseme Hosiery Co.*, 240 U. S. 179, 36 Sup. Ct. 288.

For a discussion of these cases in connection with another recent case, see NOTES, p. 763.

**TRADE-MARKS AND TRADE NAMES — PROTECTION APART FROM STATUTE — TERRITORIAL LIMITATION OF TECHNICAL TRADE-MARK.** — In 1872 the Allen and Wheeler Co. used the words "Tea Rose" as a trade-mark on its flour, making sales throughout Ohio and Pennsylvania, but never advertising nor selling its "Tea Rose" brand in Alabama or the adjoining states. In 1885, without notice of this prior adoption, the Hanover Star Milling Co. used the same brand on its flour for sales throughout Alabama, where it acquired the reputation of being the "Tea Rose Company." In 1895 the Steeleville Milling Co. adopted the same design, and in 1912 sold a quantity of flour of that brand to Metcalf for sale in Alabama. The Hanover Co. obtained a temporary injunction in the District Court, but the United States Circuit Court of Appeals for the Fifth Circuit reversed the decree because of the prior use by the Allen and Wheeler Co. In another district this latter company obtained an injunction against the Hanover Co., but this in turn was reversed by the United States Circuit Court of Appeals for the Seventh Circuit on the ground that the Hanover Co. had acquired a valid trade-mark in Alabama. Because of this diversity on fundamental questions, the cases were brought to the Supreme Court by writs of *certiorari* before final disposition in the lower courts. *Held*, that the Hanover Co. had acquired a valid trade-mark in Alabama. *Hanover Star Milling Co. v. Metcalf*, 240 U. S. 403.

For a discussion of this case with two other recent cases, see NOTES, p. 763.

**TRIAL — VERDICT — JOINT TORTFEASORS: SEVERANCE OF DAMAGES.** — In an action against joint maintainers of a nuisance the jury found a verdict for \$700 against one defendant and for \$150 against the other. On interrogation by the court they stated their purpose to find the plaintiff's damages equal to \$850 and to divide them between the two defendants. The trial court entered judgment for \$850 against both defendants. *Held*, that the judgment stand. *Wands v. City of Schenectady*, 156 N. Y. Supp. 860 (App. Div.).

The Supreme Court of Michigan has recently upset a verdict of this sort. *Rathbone v. Detroit United Ry.*, 154 N. W. 143. For a criticism of the Michigan decision, see 29 HARV. L. REV. 344.

**TRUSTS — CREATION AND VALIDITY — CHARITABLE TRUSTS: PREFERENCES — RULE AGAINST PERPETUITIES.** — A will provided for perpetually maintaining a home for "educated Protestant gentlewomen whose means are small," preference to be given to the lineal descendants of seven named relatives and six friends. *Held*, that the trust is charitable, and so is not void as infringing the Rule against Perpetuities. *Matter of MacDowell*, 55 N. Y. L. J. 61 (Court of Appeals).

Under the present New York statutes, the old English law of charitable trusts for undetermined beneficiaries has been restored. *Allen v. Stevens*, 161 N. Y. 122, 55 N. E. 568. Under that law, whether the invalidity of perpetual trusts without defined beneficiaries is due, as is commonly stated, to the Rule against Perpetuities, or more properly to a rule against inalienability, charitable trusts form a clear exception. See GRAY, RULE AGAINST PERPETUITIES, 3 ed., §§ 589-607. Such trusts must be limited to purposes necessarily charitable as defined by the Statute of Elizabeth. *Morice v. Bishop of Durham*, 9 Ves. 399, 10 Ves. 522. But the purpose in question is clearly within the established conception, for the courts have upheld trusts for "reduced gentlewomen," "lady teachers in need of rest," and "wornout clerks." *Attorney General v.*